

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TAMMY O'DONNELL,

Plaintiff,

v.

JAMES MITCHELL, et al.,

Defendants.

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No. 4:16-CV-1651 RLW

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. The motion will be granted. Under 28 U.S.C. § 1915(e)(2)(B), the Court is required to review the complaint and dismiss any part of it that is frivolous, malicious, or fails to state a claim upon which relief can be granted. Upon review of the complaint, the Court will dismiss plaintiff's claims against the individual defendant James Mitchell. However, plaintiff's case will proceed against the Mitchell James Salon.

Plaintiff brings this action under Title VII of the Civil Rights Act of 1964. Named as defendants are the Mitchell James Salon and James Mitchell, plaintiff's former supervisor. Plaintiff alleges that James Mitchell treated her differently than a white employee and retaliated against her after filing a complaint against the salon with the Equal Employment Opportunity Commission.

Title VII provides a remedy only against an "employer." The Eighth Circuit Court of Appeals has squarely held that "supervisors may not be held individually liable under Title VII." *Bonomolo-Hagen v. Clay Central-Everly Community School District*, 121 F.3d 446, 447 (8th Cir. 1997) (citing *Spencer v. Ripley County State Bank*, 123 F.3d 690, 691-92 (8th Cir. 1997) (per

curiam)); *see Bales v. Wal-Mart Stores Inc.*, 143 F.3d 1103, 1111 (8th Cir. 1998). As a result, plaintiff's claims against James Mitchell, as an individual, fail to state a claim upon which relief can be granted and are subject to dismissal. Nonetheless, the Court will issue process on plaintiff's claims against the Mitchell James Salon for discrimination and retaliation pursuant to Title VII.

Accordingly,

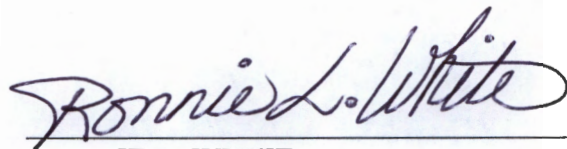
IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [#2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's claims against James Mitchell are **DISMISSED**.

IT IS FURTHER ORDERED that the Clerk shall issue process or cause process to issue as to defendant the Mitchell James Salon by serving its agent James L. Mitchell at: 335 The Boulevard, Richmond Heights, Missouri, 63117.

An Order of Partial Dismissal will accompany this Order.

Dated this 14th day of November, 2016.

A handwritten signature in dark ink, reading "Ronnie L. White", written over a horizontal line.

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE